

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RJB WHOLESale, INC., a Washington
corporation,

Plaintiff,

vs.

JEFFREY CASTLEBERRY and JANE DOE
CASTLEBERRY, husband and wife and their
marital community,

Defendants.

NO. 2:16-cv-1829

STIPULATION AND PROTECTIVE
ORDER REGARDING NORTH
AMERICAN PIPE & STEEL CORP.

STIPULATION

Plaintiff RJB Wholesale, Inc. (“RJB”), defendant Jeffrey Castleberry (“Castleberry”),
and North American Pipe & Steel Corp. (“NAPSteel”), by and through their counsel of record,
stipulate and agree as follows:

1. Purpose of Stipulation. On February 23, 2017, the Court entered the Stipulation
and Protective Order (“First Protective Order”) attached hereto. The First Protective Order
sets forth detailed requirements and procedures for protecting the confidentiality of documents
and information of RJB and Castleberry’s current employer, NAP Steel. Because RJB and

1 NAPSteel, may, at times, be competitors, the Protective Order was entered to ensure that their
2 respective confidential business information is protected from misuse for anticompetitive
3 purposes. Although NAPSteel's documents and information may be designated as "Protected
4 Materials" under that Protective Order, NAPSteel was not a signing party.

5 NAPSteel objected to a Subpoena Duces Tecum served by RJB on the grounds that
6 certain requests seek NAPSteel's confidential and proprietary information, including customer
7 information and sales practices. This Second Protective Order is intended to protect the
8 confidentiality of documents and information produced by NAPSteel, while ensuring that the
9 parties can pursue discovery and litigation with a minimum amount of burden, expense. RJB
10 may need to introduce its confidential information during discovery with NAPSteel, or with
11 NAPSteel witnesses at trial. Therefore, the parties agree this Second Protective Order is
12 necessary to protect the confidential information of NAPSteel and RJB.

13 **2. Protected Material.** In the event NAPSteel determines in good faith that a
14 document, pleading or other information responsive to a request for discovery is confidential
15 or proprietary and entitled to special protection, NAPSteel may in good faith designate such
16 documents, pleadings or other information as "Protected Material" in the manner set forth in
17 paragraph 2 of the First Protective Order.

18 **3. Incorporation of First Protective Order.** For purposes of discovery and litigation
19 proceedings involving NAPSteel, the parties hereby incorporate and agree to be bound by the
20 requirements and provisions of paragraphs 2-16 on the First Protective Order.

21 **4. Access to Confidential Documents.** For purposes of paragraph 7 ("Access to
22 Confidential Documents") and paragraph 8 ("Access to Highly Confidential Documents"), the
23 term "parties" or "party" shall mean the named parties in this litigation, RJB and Castleberry.

24 STIPULATION AND PROTECTIVE ORDER

Case #2:16-cv-1829 - Page 2

1 RJB and NAPSteel stipulate that the NAPSteel's Controller, David Fairley, or his successor,
2 shall be authorized to receive any Protected Materials marked as Highly Confidential that RJB
3 specifically designates to facilitate NAPSteel's discovery responses, conditioned upon his
4 execution of a Non-Disclosure Certification pursuant to paragraph 10 of the First Protective
5 Order, in the form attached hereto as Exhibit A.

6 **5. Authorization.** The undersigned counsel hereby warrant and represent that they are
7 authorized by their clients to enter into this Stipulation and Protective Order.

8 DATED: April 4, 2018

9 INSLEE, BEST, DOEZIE & RYDER, P.S.

10 By /s/ Richard A. Bersin

11 Richard A. Bersin, WSBA #7178

12 Email: rbersin@insleebest.com

13 Curtis J. Chambers, WSBA #42984

14 Email: cchambers@insleebest.com

10900 NE 4th Street, Suite 1500

13 Bellevue, WA 98004

14 Tel: 425-455-1234 / Fax: 425-635-7720

Attorneys for Plaintiff

15 DATED: April 4, 2018

16 STOEL RIVES, LLP

17 By: /s/ Karin D. Jones

18 Karin D. Jones, WSBA No. 42406

19 karin.jones@stoel.com

20 Christopher T. Wall, WSBA No. 45873

21 christopher.wall@stoel.com

22 600 University Street, Suite 3600

23 Seattle, WA 98101

24 *Attorneys for Defendant*


23 STIPULATION AND PROTECTIVE ORDER

24 Case #2:16-cv-1829 - Page 3

ORDER

The above Stipulation and Protective Order of the parties is hereby approved and adopted as an Order of this Court.

DATED this 10th day of April, 2018


Marsha J. Pechman
United States District Judge